

REMARKS

Specification

The specification has been amended to more specifically recite the priority claim using language specified by MPEP 201.11. This amendment does not introduce a new priority claim as the USPTO has already recognized that the present application is a continuation of U.S. Patent Application No. 09/946,061, now U.S. Patent No. 6,727,705.

Claims

Claims 1-8 were pending and presented for examination and in this application. In an Office Action dated September 11, 2006 claims 1-8 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are amending claims 1, 2, 5 and 6 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsiders all outstanding rejections, and withdraw them.

Response to Nonstatutory Double Patenting Rejection

Claim 1 has been rejected on the ground of nonstatutory double patenting over claim 1 of U.S. Patent No. 6,728,705 commonly owned by the assignee, Google Inc. A terminal disclaimer is submitted herewith to obviate the double patenting rejection, pursuant to 37 C.F.R. § 1.321(c). Thus, the Examiner is requested to remove the double patenting rejection.

Response to Rejection Under 35 USC 102(e) in View of Horowitz

In the 6th paragraph of the Office Action, Examiner rejects claims 1-2 and 5-6 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent No. 6,236,987 to Horowitz (“Horowitz”). This rejection is now traversed.

Representative claim 1, as amended, recites

...generating a plurality of content modules, each content module comprising a subset of the **content of a web site**...

...and

displaying information relating to the plurality of retrieved web sites and **contemporaneously displaying** said subset of content of a web site from said at least one content module on a display screen to the user.

The claimed invention generates content modules and stores the content modules in a directory. Each content module comprises a subset of the content of a web site. When a query is received from a user, the query is matched to at least one subject category identifier associated with a content module. Information relating to the plurality of retrieved websites and content of a web site from at least one content module are contemporaneously displayed to the user. One benefit of the claimed method is that, for example, it can dynamically create a web page by combining content from web sites related to a user’s search query.

Horowitz does not disclose the claimed invention. Horowitz discloses a system for dynamic content organization in an information retrieval system in response to user input queries. The system receives a user input query and displays query results, including a resulting topic arrangement. However, Horowitz does not disclose generating a plurality of content modules, each content module comprising a subset of the content of a web site. Horowitz further does not contemporaneously display information relating to the retrieved websites and subset of content of a web site from the at least one content module. Rather, Horowitz discloses only displaying a list of topics relating to documents but does not disclose contemporaneously displaying any of the document content (such as a website). Thus, Horowitz provides only a list of relevant document headers and does not contemporaneously display web site content from a content module data directory relevant to search query, as claimed.

Claim 5 is patentably distinguishable over the cited reference for at least the same reasons as above. As to the dependent claims, because claim 2 and 6 depend from claims 1 and 5 respectively, all arguments advanced above with respect to claim 1 and 5 are hereby incorporated so as to apply to claim 2 and 6. Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons claims 1-2 and 5-6 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

Response to Rejection Under 35 USC 103(a) in View of Horowitz and Official Notice

In the 11th paragraph of the Office Action, Examiner rejects claims 3-4 and 7-8 under 35 USC § 103(a) as allegedly being unpatentable over Horowitz in combination with Official Notice. This rejection is respectfully traversed.

Claims 3 and 7 depend from claims 1 and 5 respectively and recite

...the content module directory comprises a data structure having nodes, and wherein each node is associated with one or more key numbers.

The claimed invention generates content modules and stores the content modules in a content module directory. Each node in the data structure of the content module directory is associated with one or more key numbers. When a query is received from a user, information relating to retrieved websites and content of a website from at least one content module are contemporaneously displayed to the user. The key numbers are useful, for example, as a mechanism for associating the subject categories generated from the query.

Claims 4 and 8 depend from claims 1 and 5 respectively and recite

...some of said content modules include functional devices.

By including functional devices in some of the content modules, the claimed invention can advantageously display additional information to the user relevant to the search query.

The claimed invention is not obvious in view of Horowitz in combination with Official Notice. There is no suggestion or motivation in Horowitz to associate nodes in a content module directory with key numbers or to generate content modules including functional devices. Therefore, it would not have been obvious to one of ordinary skill to combine these features with Horowitz.

The claimed elements would also not have been common knowledge at the time of the invention. Therefore, Applicants respectfully submit that Examiner has improperly taken Official Notice in rejecting these claims. MPEP 2144.03A recites

“...It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.”

Applicants respectfully submit that features of claims 3-4 and 7-8 are not capable of instant and unquestionable demonstration as being well-known because there is no evidence of prior art disclosing all of the claimed elements. For example, there is no evidence of prior art disclosing the claimed element of associating nodes with one or more key elements in a content module directory. There is further no evidence of prior art disclosing, for example, including functional devices in the content modules. Applicants respectfully challenge the rejection in accordance with MPEP 2144.03C which recites,

“If applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the findings with adequate evidence.”

If Examiner is to maintain the rejection in view of Official Notice, Applicants respectfully request that Examiner support the rejection with adequate documentary evidence. If Examiner is relying on personal knowledge to support the finding of what is known in the art, Applicants request that Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the findings, as required by MPEP 2144.03C.

Applicants further submit that the rejections are improper because Examiner has failed to show why the claimed features would have been obvious.

MPEP § 706.02 recites

“After indicating that the rejection is under 35 U.S.C. § 103, there should be set forth [by the Examiner] (1) the difference or differences in the claim over the applied references, (2) the proposed modification of the applied references necessary to arrive at the claimed subject matter, and (3) an explanation of why such proposed modification would be obvious.”

Therefore, if Examiner is to maintain the rejections to claims 3-4 and 7-8, Applicants respectfully request that Examiner properly support the rejection with an explanation.

Applicants respectfully submit that claims 3-4 and 7-8 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejections to claims 3-4 and 7-8, and withdraw them.

Conclusion

In sum, Applicants respectfully submit that claims 1-8, as presented herein, are patentably distinguishable over the cited reference. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
Robert Licon et al.

Date: December 28, 2006

By: /Brian Hoffman/

Brian M. Hoffman, Attorney of Record
Registration No. 39,713
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (415) 875-7607
Fax: (650) 938-5200